This bibliography describes sources for research into treaties between the U.S. government and Indian tribes, focusing on primary sources. The sources are preceded by an overview of the treaty process and the termination of the government’s power to enter into treaties with Indian nations.

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* © Beth DiFelice, 2015.
** Associate Director and Head of Public Services, Ross-Blakley Law Library, Arizona State University, Tempe, Arizona.
¶1 This bibliography describes sources for research into treaties between the U.S. government and Indian tribes, focusing on primary sources. Treatises and journal articles on the topic of Indian treaties are excluded. In addition, while many of the printed sources described in this bibliography are also available online through commercial vendors, particularly HeinOnline’s American Indian Law collection, only free online resources are listed here.

¶2 Most of the sources discussed are documents produced by U.S. government officials. “The historian of the American Indian faces a difficult task. He is attempting to reconstruct Indian history from sources which are almost exclusively the product of white soldiers, traders, missionaries, and government officials. These documents reflect the ethnocentricity one would expect.”

¶3 The bibliography is intended to be a resource both for scholars and for lawyers involved in litigation over treaty rights. Although the last treaty was signed in 1868, Indian treaties continue to be subjects of litigation today. The historical primary sources listed here can be useful in determining and proving the meaning of treaty terms.

¶4 Treaties were written and negotiated in English, so language often presented an obstacle to tribes’ understanding of treaty terms. Not only were words and concepts used in a treaty difficult or impossible to translate into the tribe’s language, but, “[a]s linguistic anthropology has revealed, people who speak different languages may see the world differently or at least talk about it differently. Certain concepts may not translate perfectly between cultural groups.” When ambiguous language in an Indian treaty is at issue in a case, courts, as a general rule, will liberally construe the language in favor of the tribe and as the tribe would have understood the terms of the treaty at the time of the signing. Courts will seek to determine the meaning of the language at the time and the general historical context.

2. See, e.g., United States v. Bouchard, 464 F. Supp. 1316, 1323 (W.D. Wis. 1978), rev’d sub nom. Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Voigt, 700 F.2d 341 (7th Cir. 1983) (“The accounts of what was said, of course, are only of what was understood by the white men. Van Antwerp commented after one particularly clumsy passage in his notes: ‘This of course is nonsense but is given literally as rendered by the Intrepreters (sic) who are unfit to act in that capacity. I presume it to mean . . . ’” (final ellipsis in original)); United States v. Washington, 384 F. Supp. 312, 330 (W.D. Wash. 1974), aff’d & remanded, 520 F.2d 676, 685 (9th Cir. 1975) (“The treaties were written in English, a language unknown to most of the tribal representatives, and translated for the Indians by an interpreter in the service of the United States using Chinook Jargon, which was also unknown to some tribal representatives. Having only about three hundred words in its vocabulary, the Jargon was capable of conveying only rudimentary concepts, but not the sophisticated or implied meaning of treaty provisions about which highly learned jurists and scholars differ.”).
4. See, e.g., Choctaw Nation v. Oklahoma, 397 U.S. 620, 631 (1970) (“[T]reaties were imposed upon them and they had no choice but to consent. As a consequence, this Court has often held that treaties with the Indians must be interpreted as they would have understood them . . . and any doubtful expressions in them should be resolved in the Indians’ favor.”).
Overview of the Indian Treaty Process

5. It is helpful to understand how negotiation and ratification of treaties occurred before looking for documents created during that process. Treaties were negotiated and signed by representatives of the tribe and U.S. treaty commissioners and then sent to the Secretary of War (until 1849) or the Secretary of Interior (after the Interior Department was created in 1849), accompanied by a letter of transmittal and sometimes a report on the negotiations and terms of the treaty, or even a journal of the treaty proceedings.5

6. The treaty was then forwarded to the President with a report by the Secretary of War or Interior. The President would send the treaty to the Senate for its consideration and approval. The Senate might approve the treaty as is, approve it with amendments, reject it, or table it.6 The Senate’s decision “was sent to the president in the form of [a Senate] resolution, with the original treaty attached.” When the Senate approved a treaty, the President would sign a proclamation of ratification.7 Without these actions by the Senate and the President, the treaty was not ratified and, thus, was not considered in force by the United States.8 Once ratified, treaties were sent to the State Department for filing and safekeeping.9

7. The House of Representatives was not involved in the treaty ratification process. However, treaties involving the disbursement of government funds required appropriations legislation, which had to be approved by both the House and the Senate. Therefore, treaty ratification was often followed by appropriations legislation originating in the House of Representatives.10

Congressional Termination of the Treaty Power

8. The President’s power to enter into treaties with Indian nations was terminated by Congress in 1871. This was done by an appropriations bill originating in the House of Representatives, which provided:

Hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: Provided, further, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.11

6. Id. at 434.
7. Id.
9. See Prucha, supra note 5, at 521.
The last Indian treaty entered into was the 1868 treaty with the Nez Perce tribe. Although not included in this bibliography, it is worth noting that the U.S. government continued to enter into agreements with Indian tribes after 1871.

### How Many Indian Treaties?

Treaties between the U.S. and Indian nations number between 367 and 375; scholars and compilers have not settled on a definitive number. “The actual number of treaties signed between the United States and the tribes will probably never be prepared on a final list to which everyone can agree.”

The number 375 comes from the State Department, which filed and numbered ratified treaties as they were sent to them for safekeeping. Regarding the State Department’s number, Deloria and DeMallie write that “[w]e must assume that something more was involved than the uncritical filing of documents: that those documents having political and legal potency had a certain status in the department. Consequently, the State Department’s listing should receive serious consideration by scholars attempting to count or classify Indian treaties.”

In contrast, Charles J. Kappler compiled 369 treaties in his *Indian Affairs: Laws and Treaties*, while Francis Paul Prucha, in his book *American Indian Treaties: The History of a Political Anomaly*, gives 367 as the number of ratified treaties, with 6 more treaties being of “questionable” status.

The State Department’s count of 375 treaties is higher than that of the other compilers because its treaty numbering system begins with treaties that predate the formation of the U.S. government. Its treaty number 1 is the 1722 treaty “Between the Five Nations, the Mahicans, and the Colonies of New York, Virginia, and Pennsylvania.” The treaties numbered 2 through 7 have dates from 1726 to 1768. Neither Kappler’s nor the *United States Statutes at Large* compilations, two of the most widely used collections of Indian treaties, include the State Department’s first seven treaties. Both Kappler’s and *Statutes at Large* begin their compilations with the State Department’s treaty number 8, the 1778 Treaty of Fort Pitt with the Delaware Nation, which was signed during the Revolutionary War.

Although both Kappler’s and the *Statutes at Large* begin their treaty compilations with the same treaty, Kappler’s compilation is not a duplication of the *Statutes at Large*. For example, the text of the 1851 Treaty of Fort Laramie with the Sioux is in Kappler’s but not *Statutes at Large*. In place of the text of the treaty, the *Statutes at Large* notes why the treaty is excluded:

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12. Prucha, supra note 5, at 1.
13. For a useful discussion of these treaty substitutes, see id. at 311–33.
17. Prucha, supra note 5, at 1.
When it was before the Senate for ratification, certain amendments were made which require the assent of the Tribes, parties to it, before it can be considered a complete instrument. This assent of all the Tribes has not been obtained, and consequently, . . . it is not yet in a proper form for publication.  

By the time Kappler’s treaty volume was published in 1904, the Fort Laramie treaty was considered a valid treaty and was published as such. The Fort Laramie treaty is not included in the State Department’s list of ratified treaties.  

§ 14 Another issue with respect to the numbering of treaties is that some compilers counted supplementary treaties as part of the treaty they modified, and some compilers considered the supplementary treaties as separate documents.  

Ratified Versus Nonratified Treaties  

§ 15 In addition to ratified treaties, this bibliography includes sources for information about treaties that were signed but not ratified, which DeMallie states number “as many as 200.” These include, for example, the 18 treaties with California tribes negotiated and signed in 1851, which the Senate refused to ratify.  

Oral Traditions  

§ 16 During the treaty years, tribes were nonliterate and thus did not produce written documentation, although their oral stories were sometimes memorialized in written accounts by outsiders such as missionaries and explorers. Tribes’ stories and interpretations of their treaties may have been transmitted to present-day members of the tribes through their oral traditions. These intergenerational memories are one source that may assist in the interpretation of a treaty. However, “[a]lthough exceptions exist to hearsay rules, which allow oral history to be admitted as evidence and are common in multiple jurisdictions, fact finders are not comfortable placing conclusive weight on intergenerational memories.” In 1933, the U.S. Court of Claims discounted a tribe’s oral history:  

It is true that a number of the Assiniboines tested that the treaty was not signed by them or any of the tribe except possibly by one member and that there were protests made against taking the land away from them at the time. These witnesses were either Indians who

23. PRUCHA, supra note 5, at 434.  
were children at the time of the signing of the treaty or very old men at the time when they
gave their testimony, and on account of age having at best a very incomplete recollection
of matters that occurred fifty years prior thereto. The circumstances of the case make this
testimony so unsatisfactory as to be unworthy of any credit.25

¶17 More recently, in 1997, the U.S. District Court for the Eastern District of
Washington did allow oral tradition as evidence in the interpretation of a treaty:

[T]he court considers Mr. Y allup the ultimate expert in the proceeding. From his early
childhood, Mr. Y allup was taught the meaning of the Treaty, as understood by the Yakamas,
through oral history passed down through the generations. Further, Mr. Y allup has been
entrusted with the role of preserving the cultural history of the Yakamas. Therefore, the
court views his testimony with considerable respect.26

Treaty Compilations

¶18 After ratification, original treaty documents were sent to the State Depart-
ment for filing and safekeeping. The State Department treaty file is now in the
National Archives, Record Group 11. The file contains the original texts of ratified
and unratified treaties, official letters of treaty transmittal, the Senate’s resolution
of ratification, and the proclamation of the treaty by the President. Some treaties
are accompanied by instructions to treaty commissioners, correspondence, jour-
nals of treaty proceedings, and other documents.

¶19 The Bureau of Indian Affairs also maintained a file of ratified and unrati-
ified treaties, separate from the State Department file. These documents are in the
National Archives, Record Group 75.4.


The set has eight volumes in which treaties are arranged as follows: the Sioux
Nation, tribes of the Pacific Northwest, tribes of the northern plains, the Five
Civilized Tribes, eastern Oklahoma tribes, tribes of the Southwest, the Chippewa,
tribes of the Great Lakes.


The two Indian Affairs volumes of American State Papers contain documents
relating to U.S. Indian affairs from 1789 to 1827. These documents include the
text of treaties, often accompanied by minutes of treaty proceedings and other
related documents. Included in volume 1 is an 1813 document titled Cessions of
Land by Indians, 1789–1812. In table format, this document lists treaties in which
Indian tribes ceded lands to the United States, giving the dollar amount of the
purchase, the name of commissioner, the location of the treaty negotiations, and
the dates of signature and ratification. American State Papers is available online as
part of the Library of Congress’s American Memory Project (http://memory.loc.
gov/ammem/amlaw/lwsp.html).

Cree v. Flores, 157 F.3d 762 (9th Cir. 1998).

This volume has 389 treaties, including some treaties with foreign nations that refer to Indian tribes.


Prepared at the direction of Congress, the treaties in this volume are arranged alphabetically by tribe. This volume is available online through the Internet Archive (https://archive.org/index.php).


Indian treaties from 1817 until the last treaty of 1868 were published in the *Congressional Serial Set*, often accompanied by documents relating to the negotiation of the treaty. The *Congressional Serial Set* is covered in more detail in the section on “Collections of Congressional Documents.”


As stated by the authors in their introduction, “[t]his study supplements Kappler’s by offering a new chronological list composed of the State Department list supplemented by those treaties that have or that we believe should have full status as ratified treaties. It offers an accurate list of ratified agreements made with Indian tribes, and it suggests deletion of certain treaties from the old list because they were legally defective from the beginning and should have been eliminated by Kappler” (p.3–4). The treaties are organized into categories, such as ratified treaties, treaties rejected by the Senate, and treaties rejected by the Indian nations.


This website from the University of Nebraska has nine treaties that were not published in either Kappler’s or the *Statutes at Large*. These are State Department treaties numbered 1–7, 28 (1798 treaty between New York and the Oneida Indians), and 44 (1805 treaty with the Wyandot, Ottawa, Chippewa, Munsee, and Delaware, Shawnee, and Pattawatamy nations).


*Indian Treaties, and Laws and Regulations Relating to Indian Affairs: To Which Is Added an Appendix, Containing the Proceedings of the Old Congress, and Other Important State Papers, in Relation to Indian Affairs.* Washington, D.C.: Way & Gideon, 1826.

Compiled at the request of the Secretary of War, this volume has ratified treaties from 1778 to 1826, arranged alphabetically by tribe. It is available through Google Books (https://books.google.com).


*Indian Affairs: Laws and Treaties* is commonly referred to as *Kappler’s*. The treaty volume, volume II, has ratified and some unratified treaties from 1778 to 1883 in chronological order. Generally, the treaties were printed as amended. This volume of *Kappler’s* was initially released in 1902 as Senate Document 452 and was revised and republished in 1904 as Senate Document 319. Charles J. Kappler was clerk to the Senate Committee on Indian Affairs at the time of this compilation. The compilation was made at the request of the Commissioner of Indian Affairs. *Kappler’s* is available as part of the Oklahoma State University Library’s digital collection (http://digital.library.okstate.edu/kappler/).


This volume is available online through the Internet Archive (https://archive.org/index.php).

Treaties and Other Documents Having Operation and Respect to the Public Lands.
This volume, compiled at the request of Congress, has Indian treaties that relate
to the extinguishment of Indian title to the public lands. It is available in full text

Treaties Between the United States of America and the Several Indian Tribes, from
Compiled by direction of the Commissioner of Indian Affairs, this volume con-
tains ratified treaties from 1778 to 1837 in chronological order. A table of contents,
which is more like an index, lists the treaties alphabetically by tribe. This volume
is available online through the Internet Archive (https://archive.org/index.php).

1845– .
Ratified Indian treaties were published in the Statutes at Large. Volume 7 of the
Statutes at Large, published in 1846, has Indian treaties from 1778 to 1842, printed
in chronological order. Thereafter, Indian treaties are intermingled with treaties
with foreign nations. In these later volumes, volumes 9 through 18 (1845–1875),
Indian treaties also appear in chronological order, with some exceptions. These
volumes of the Statutes at Large are available online as part of the Library of Con-
gress’s American Memory Project (http://memory.loc.gov/ammem/amsl/lwsl .html).

Vaughan, Alden T., ed. Early American Indian Documents: Treaties and Laws, 1607–
This twenty-volume set has the text of treaties between Indian tribes and British
and early American governments from 1607 to 1789. In addition to the treaty text,
it includes documents relating to the negotiation of the treaties such as council
minutes, treaty commissioner reports, and the like.

Lists of Treaties

Bernholz, Charles D. Kappler Revisited: An Index and Bibliographic Guide to Ameri-
This volume has tables that are arranged by both State Department treaty number
and alphabetically by the name of the tribe.

Deloria, Vine, Jr., comp. A Chronological List of Treaties and Agreements Made by
Indian Tribes with the United States. Washington, D.C.: Institute for the Devel-
This book, which is volume 1 of the American Indian Treaty Series, covers the
years 1778 to 1909. In chronological order, it lists ratified treaties, treaties that
were never ratified but are considered valid by the compiler, and treaty-like agree-
ments signed after 1871.

De Puy, Henry Farr. A Bibliography of the English Colonial Treaties with the Ameri-
For treaties between Indian nations and American colonies from 1677 to 1768,
this bibliography gives a synopsis of the treaty and a description of documents
available regarding the negotiation of the treaty. This volume is available online
through the Internet Archive (https://archive.org/index.php) and Google Books
(https://books.google.com).

These two volumes were published under the direction of the Commission on the Codification of Existing Laws Relating to the Survey and Disposition of the Public Domain. In volume 2, beginning on page 1185, is a list of Indian treaties affecting titles to public land, arranged alphabetically by tribe. It is available online through Google Books (https://books.google.com).

**Treaty Proceedings**

¶20 Documents produced during a treaty negotiation may include minutes, journals, and letters. Many compilations of these documents are available, and some are discussed elsewhere in this bibliography, including in the State Department records (Record Group 11 in the National Archives), the Indian Affairs volumes of *American State Papers*, and the *Congressional Serial Set*. Documents may also be contained in the archives or published papers of those present at the treaty negotiation and signing. There are some compilations that relate to an individual treaty, an example of which is included here. Tribal leaders often made speeches during treaty negotiations. However, their speeches are difficult to find because “[m]ost remain unpublished or generally unavailable.”28


A useful finding aid to the documents from treaty proceedings in National Archives Record Groups 75 (Bureau of Indian Affairs) and 48 (Department of Interior). This volume is arranged chronologically by treaty. It is available online from the University of Wisconsin (http://uwdc.library.wisc.edu/collections/History/IndianTreatiesMicro).


**Congressional Documents**

**Statements by Tribal Leaders**

¶21 Some tribal leaders testified before or presented documents to Congress. These may be found in congressional documents, sources for which are listed elsewhere in this bibliography. Two examples of documents include:


• Testimony Taken by a Select Committee of the Senate Concerning the Removal of the Northern Cheyenne Indians, Hearing of the Senate Select Committee on Removal of Northern Cheyennes, Aug. 12, 19–21, 1879; Jan. 24, 28; Feb. 4; Mar. 12, 24; Apr. 26; May 15, 1880.

National Archives

Congressional documents available in the National Archives include:

• Senate Record Group 46, specifically:
  o Record Group 46.2: general records of the U.S. Senate 1789–1988
  o Record Group 46.14: committee records relating to Interior and Insular Affairs, 1816–1988
  o Record Group 46.23: cartographic records

• U.S. House of Representatives Record Group 233, specifically:
  o Record Group 233.15: Interior and Insular Affairs Committee records

Collections of Congressional Documents


American State Papers is comprised of thirty-eight volumes that compile congressional documents from 1789 to 1838. Documents are published chronologically, and an index is included at the end of each volume. Of particular interest are the two volumes devoted to Indian Affairs and the seven volumes covering Military Affairs. American State Papers is available online as part of the Library of Congress’s American Memory Project (http://memory.loc.gov/ammem/amlaw/lwsp.html).


This index covers the American State Papers (1789–1816) as well as the Congressional Serial Set.


The Congressional Serial Set is a U.S. government publication consisting of reports and documents of the U.S. House of Representatives and the Senate. It began publication with the 15th Congress (1817–1819) and consists of more than 15,000 volumes. Documents in the Congressional Serial Set relating to Indian treaties include documents submitted to the Senate for their consideration of a treaty; reports of the Senate Committee on Indian Affairs; annual reports from executive agencies, such as the Commissioner of Indian Affairs and the Secretary of War; maps; and many other useful documents.


In this volume, entries are arranged by year, and each entry gives the citation to the Congressional Serial Set. A subject index is available at the end of the volume. Appendix I is a chronological list of congressional documents relating to Indian Affairs that were not published in the Congressional Serial Set.

The New American State Papers includes documents from American State Papers, the Congressional Serial Set, and the Legislative Records Section of the National Archives. The Indian Affairs section is comprised of thirteen volumes.

Journal of the Executive Proceedings of the Senate

Paragraph 23 The Senate met in Executive Session when it considered Indian treaties. Each day’s proceedings are summarized in the Journal of the Executive Proceedings of the Senate. The Journal is included in the Congressional Serial Set. Additionally, the volumes covering the treaty years (1789–1875) are part of the Library of Congress’s American Memory Project (http://lcweb2.loc.gov/ammem/amlaw/lwej.html).


This volume covers the years 1789 to 1791 and is volume 2 of the series titled The Documentary History of the First Federal Congress of the United States of America, March 4, 1789–March 3, 1791.


Congressional Committee Hearings

Paragraph 24 The Senate Committee on Indian Affairs was established in 1820. Its documents are included in the Congressional Serial Set, as well as in National Archives Record Group 46.14: Records of Senate Committee on Indian Affairs, 1820–1946. Hearings by this and other congressional committees may contain testimony relevant to Indian treaties, including testimony from tribal members. Hearings after the treaty years may also be helpful.29

Debates of Congress

Paragraph 25 Summaries of speeches made on the floor of the Senate and the House covering the treaty years are available in the predecessors of the Congressional Record. Unlike the Congressional Record, these are not verbatim transcriptions of congressional speeches. Sets covering the treaty years are the Annals of Congress (1789–1824), Register of Debates (1824–1837), and Congressional Globe (1833–1873). They are available as part of the Library of Congress American Memory Project (http://memory.loc.gov/ammem/amlaw/lawhome.html).

29. See, e.g., Indian Fishing Rights, Hearing Before the Subcomm. on Indian Affairs of the S. Comm. on Interior & Insular Affairs, 88th Cong. (1964).
Presidential Documents

Paragraph 26: Documents issued by the President relating to Indian treaties include, among others, executive orders, proclamations, and messages. The Library of Congress, Manuscript Division, has presidential papers from President Washington to President Coolidge, as well as papers of other government officials. Some of these collections are available online:

- George Washington (http://memory.loc.gov/ammem/gwhtml/gwhome.html)
- Thomas Jefferson (http://memory.loc.gov/ammem/collections/jefferson_papers/)
- James Madison (http://memory.loc.gov/ammem/collections/madison_papers/)
- Abraham Lincoln (http://memory.loc.gov/ammem/ahlhtml/ahlhome.html)

Paragraph 27: The Illinois Historic Preservation Agency and the Abraham Lincoln Presidential Library and Museum have digitized papers of Abraham Lincoln (http://www.papersofabrahamlincoln.org). The Massachusetts Historical Society has digitized papers of John Adams and John Quincy Adams (http://www.masshist.org/adams,Read_Documents). Many presidential documents, from George Washington to the present, are available online as part of the American Presidency Project from the University of California, Santa Barbara (http://www.presidency.ucsb.edu).


Includes executive orders and proclamations.


War Department Records

Paragraph 28: Indian affairs were under the U.S. Department of War until 1849, when that responsibility was transferred to the newly created Department of Interior. Within the War Department, an Indian Office was created in 1824 and the position of Commissioner of Indian Affairs in 1832.31

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31. 4 Encyclopedia of American History 1418 (Bruce E. Joahnsen & Barry M. Pritzker eds., 2008).
Both the *Congressional Serial Set* and *American State Papers* include the Secretary of War’s annual reports to Congress, their appropriations requests, and various letters and reports to Congress by the Secretary of War and military officers.

On November 8, 1800, many War Department records were destroyed by fire in the building housing the Department. Some early War Department documents not destroyed by fire have been digitized and made available online by the Roy Rosenzweig Center for History and New Media, George Mason University. Records available at the National Archives are in Record Group 75.2: Records of the Office of the Secretary of War Relating to Indian Affairs, 1794–1824.

### Office of Indian Affairs

The War Department’s Office of Indian Affairs was created in 1824; it is sometimes referred to as the “Bureau” of Indian Affairs. The position of Commissioner of Indian Affairs was created in 1832 and was transferred from the War Department to the Interior Department in 1849.

The annual reports of the Commissioner of Indian Affairs were published in the *Congressional Serial Set* and are available online as part of the University of Wisconsin Digital Collections (http://uwdc.library.wisc.edu/collections/History/IndianTreatiesMicro). Within the Office of Indian Affairs were agents and superintendents. Their reports were published as an appendix to the annual reports of the Commissioner of Indian Affairs.

National Archives Record Group 75 contains records of the Office of Indian Affairs, and Record Group 48 contains records of the Department of Interior. Specifically,

- Record Group 75.4: letters sent and received by the Bureau (1824–1907), report books (1838–1885), ratified and unratified treaties, journals of commissions (1824–1839), and more
- Record Group 75.15: records of superintendencies (1813–1885)
- Record Group 75.19: records of Indian agencies (1794–1988)
- Record Group 48.5.4: records of the Indian Division of the Department of Interior, including letters sent and received, registers of Indian treaties, records relating to claims and negotiations, journals, and more

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Territorial Records

¶34 Territorial governors were at times involved in the negotiation of Indian treaties. Therefore, their papers may be relevant.


This set contains official records of areas of the United States that were governed by the federal government as territories or colonies and that eventually became states. Documents were taken from the archives of the State Department, War Department, Bureau of Indian Affairs, Post Office, General Land Office, and Congress. These twenty-eight volumes are arranged chronologically, with an index at the end of each volume.

General Guides to U.S. Government Publications


This is an alphabetical list by title of government documents issued by the legislative, executive, and judicial branches, with a subject index in the back of the volume.

Court Records

¶35 Tribal members present at treaty negotiations may have testified at trials, and their statements may be available in court records. Background information about particular treaties may also be found in these sources.36 Testimony of experts, such as historians and anthropologists, and exhibits introduced at trial may also be useful.

Indian Claims Commission

¶36 The Indian Claims Commission was created by Congress in 194637 and disbanded in 1978.38 The Commission had jurisdiction over claims by Indian tribes against the U.S. government, which included claims based on treaties. Approximately 850 claims were brought before the Commission.39 Cases not resolved by

39. Nancy Oestreich Lurie, The Indian Claims Commission, 436 ANNALS AM. ACAD. POL. & SOC. SCI. 97, 100 (1978) (noting that there were approximately 615 dockets, many of which contained more than one claim).
1978 were transferred to the U.S. Court of Claims.\textsuperscript{40} Records and opinions of the Indian Claims Commission are a good source of information about treaties. “Indian Land Areas Judicially Established 1978,” a map by the U.S. Geological Survey, shows the results of cases before the Indian Claims Commission.\textsuperscript{41}

\textsuperscript{37} National Archives Record Group 279 contains records of the Indian Claims Commission, specifically:

- 279.2: opinions, findings of fact, orders, journal of the commission, correspondence, etc.
- 279.3: case files, including anthropological and ethnological reports
- 279.4: cartographic records


This document includes an alphabetical index to the cases filed and a map that shows the adjudicated areas.

\textbf{Digital Archives}

\textsuperscript{38} Some digital archives have already been listed. Others include the following:

- \textit{American Indian Histories and Culture}. Digitized material from the Newberry Library’s Edward E. Ayer Collection. http://www.americanwest.amdigital.co.uk/.

\textsuperscript{40} Rosenthal, \textit{supra} note 38, at 234–35.

• **American Indian History Online.** From Facts on File. http://www.fofweb.com/NuHistory/.


• **First Nations Collection.** Southern Oregon Digital Archives. http://soda.sou.edu/.


• **New England Indian Papers Series Database.** Yale Indian Papers Project. http://jake.library.yale.edu:8080/neips/search.

• **Oklahoma State University Library’s Digital Collection.** http://digital.library.okstate.edu/icc/.

• **Southeastern Native American Documents, 1730–1842.** Documents from the collections of the University of Georgia Libraries, University of Tennessee and Knoxville Library, the Frank H. McClung Museum, the Tennessee State Library and Archives, the Tennessee State Museum, the Museum of the Cherokee Indian, and the LaFayette-Walker County Library. http://www.galileo.usg.edu/express?link=zlna.

• **Utah American Indian Digital Archive.** American West Center and Marriott Library at the University of Utah. http://www.utahindians.org/.

**Library of Congress**


A guide to the many useful collections at the Library of Congress.

**Maps**

¶39 Because land was generally a component of treaties, maps are an important resource.42 Many maps relating to Indian treaties were published in the *Congressional Serial Set.* Maps can also be found in the National Archives Record Group 46.23, cartographic records of the Senate, and Record Group 75, the Bureau of Indian Affairs. Maps are also available online through the Library of Congress (http://www.loc.gov/maps/).

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42. For more information about maps related to Indian affairs, see Daniel G. Cole & Imre Sutton, *A Cartographic History of Indian-White Government Relations During the Past 400 Years,* 37 Am. Indian Culture & Res. J. 5 (2013).

A finding guide to the BIA collection, arranged alphabetically by state.


Published as part 2 of the Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896–1897, H. Doc. No. 736, 56th Cong., 1st Session, vol. 4015 of the *Congressional Serial Set*. This volume has sixty-seven maps of land cessions by treaty, statute, or executive order, and two tables organizing information by date and by tribal name. It is available online as part of the Library of Congress American Memory Project (http://memory.loc.gov/ammem/amlaw/lwss-ilc.html).

### National Archives

¶40 A list of National Archives locations and links to its websites is available online (http://www.archives.gov/locations/). The holdings of the National Archives can be searched using its catalog (http://www.archives.gov/research/search/). Guides to National Archives collections include:


### Tribal Records

¶41 Tribal libraries and archives can be valuable resources. The following may be helpful in locating relevant libraries, archives, and museums:

